



S&H Form: (2/01)
Attorney Docket No. 1293.1818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jeen-gie KIM et al.

Application No.: 10/632,869

Group Art Unit: 2653

Confirmation No.: 4635

Filed: August 4, 2003

Examiner: Mark S. Blouin

For: OPTICAL PICKUP ACTUATOR, OPTICAL DISC DRIVE USING THE SAME, AND
METHOD TO INCREASE DRIVE SENSITIVITY

COMMENTS REGARDING EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Allowance mailed on February 21, 2006, the Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The reasons for allowance set forth on page 2 of the Notice of Allowability include the Examiner's recitation of certain elements of the claimed invention that are found in some, but not all, of claims 1, 3, 7, 12, 14, 17, and 19. It is respectfully submitted that these recited elements are not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in MPEP §1302.14. At least the following items render the Examiner's statement of reasons for allowance improper under this rule.

For example, the Examiner stated that claims 1, 3, 12, 14, and 17 specify an optical pickup actuator which requires "...a second magnet installed **outside the cavity** so as to at least partially face the first magnet, so that a portion of the coil is positioned between the first magnet and the second magnet, **wherein an outer surface of the first magnet facing the coil is polarized into a first pole and an inner surface of the first magnet is polarized into a second pole**" (emphasis added by the Examiner).

First, the cited language is only a portion of claims 1 and 3. The remainders of claims 1 and 3 are not addressed, except for the Examiner's statement regarding "in combination with the other features..." The Applicants respectfully submit that these statements place unwarranted interpretations of the claims, especially considering the emphasis added by the Examiner in his statement, and that the statements are therefore improper. It is further respectfully submitted that the claims provide their own best evidence as to the reasons for allowance.

Secondly, claims 12, 14, and 17 do not include the language as recited by the Examiner. Nevertheless, the Examiner has indicated that this language is specified in these claims. The Applicants respectfully submit that this also causes the statements to be improper.

Also, regarding claims 7 and 19, the Examiner stated that these independent claims specify an optical pickup actuator which requires "...generating a plurality of forces from the flow of current, wherein **each** of the plurality of forces is generated in **substantially the same direction as a main moving force to move a blade and moving the blade of the optical pickup actuator with the plurality of generated forces**" (emphasis added by the Examiner).

The language cited by the Examiner is only a portion of claim 7, and is not recited in claim 19. The remainder of claim 7, as well as all of claim 19, is not addressed. The Applicants respectfully submit that these statements also place unwarranted interpretations of the claims, especially considering the emphasis added by the Examiner in his statement, and that the statements are therefore improper.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is respectfully submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

It is respectfully submitted that the claims are not constrained by such improper

comments by the Examiner, and that the claims speak for themselves as to what features are included therein.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations....and possible estoppel effects" (MPEP §1302.14) and is therefore improper.

Respectfully submitted,

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